

**MINUTES OF A REGULAR MEETING OF COUNCIL  
CITY OF GARFIELD HEIGHTS, OHIO**

Monday, July 9, 2012

**MEETING CALLED TO ORDER AT 7:00 p.m.** by Council President Nancy Marincic.

**INVOCATION BY:** Council President Nancy Marincic

**ROLL CALL:**                   **PRESENT:** Council Members Marincic, Nenadovich,  
Glenn, Suster, Mahoney, Vaughn

**EXCUSED:** Dudley

**CLMN VAUGHN:** At this time I would like to excuse Clmn Dudley.

**PRESIDENT MARINCIC:** All in favor of excusing Clmn Dudley from the evening's procedures say Yes. All opposed? The Yeas have it.

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster, Mahoney

ABSENT: Dudley

**READING AND DISPOSAL OF MINUTES:**

**PRESIDENT MARINCIC:** Reading and disposal of the Minutes from the June 11th Regular Meeting of the Garfield Heights City Council.

**CLMN SUSTER:** Mme. Chairman, I'd like to make a motion that we accept the Minutes of the meeting on Monday June 11, 2012 as submitted.

**PRESIDENT MARINCIC:** All in favor say Yea. All opposed say Nay? The Yeas have it.

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

**WRITTEN COMMUNICATIONS TO COUNCIL:** None.

**LEGISLATION OUT OF COMMITTEE:**

**CLMN SUSTER:** Mme. Chairman, I'd like to make a motion that we take Ordinance 31-2012 out of the Ways and Means Committee and put it on tonight's agenda.

**PRESIDENT MARINCIC:** Will the Clerk read the title?

**CLERK: ORDINANCE NO. 31-2012**

**AN EMERGENCY ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF GARFIELD HEIGHTS, KNOWN AS ORDINANCE NO. 121-1962, PROVIDING FOR THE REVISION OF THE BUILDING ZONE MAP BY CHANGING THE ZONING OF CERTAIN PARCELS ENUMERATED AS FOLLOWS:**

<u>PARCEL NO.</u>	<u>OWNER OF RECORD</u>	<u>FROM</u>	<u>TO</u>
542-30-001	PAMELA M.	U-1	U-4

**WILKES**

**(SINGLE FAMILY  
RESIDENTIAL)**

**(GENERAL  
BUSINESS)**

**PRESIDENT MARINCIC:** Roll call on the motion to remove Ordinance 31-2012 from committee and place it on the evening's agenda. All in favor say Yea. All opposed say Nay? Ordinance 31-2012 has been placed on the agenda in the regular order of business.

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

**COMMITTEE REPORTS:** None.

**REPORTS OF THE MAYOR AND DIRECTORS:**

**PRESIDENT MARINCIC:** We will now move on to the reports of the Mayor and his Directors. Mayor Collova, do you have a report?

**MAYOR VIC COLLOVA:** Mme. Chair, thank you. Yes, I do. I'd like to start tonight's report off with a notice from Dominion East Ohio Gas Home Energy Program.

"Homeowners have the opportunity to reduce their utility bills and make their homes more comfortable and energy efficient. Dominion East Ohio Gas offers the Energy Star Program. It includes a comprehensive home energy assessment performed by a good sense technician. He will do a furnace inspection and all sorts of other tests to see how well insulated the home is. There are some free improvements that go along with the inspection such as foam insulation, door sweeps, low-flow shower heads and a carbon monoxide detector. You can get program rebates for having certain work done."

They will give you the information and forms. You need to get those. We will have information about the program on the city Website and at the front desk at the Civic Center or homeowners can call Dominion East Ohio Gas Company at 877-287-3416. I actually am going to get involved with this myself at my home. I think it costs \$50.00. Don't quote me on this. You can get the information upstairs. I believe it costs \$50.00 for the assessment and if you get some of the work done there's rebates that will come back to you and there's some energy savings. It sounds like a good program that's worth looking into especially with as much heat as we had this summer. I'm certain we could all use a little energy program to help us out.

Next on my agenda I want to talk a little bit about a great article that was placed in the Plain Dealer about a week ago. It was about an event held here at the Rock Church and it was a skateboarding event held here. It was very successful. We had many of our local residents involved in this event. Also outside young men and ladies involved in this event. Skateboarding has taken on a life of its own. We can remember when it first started. Kids just moving around on the street with skateboards and now they're into ESPN, they're doing events all over the country and it's become a really huge success. Part of the article is when they wrote this article in the Cleveland Plain Dealer one of the things they put in there, the emcee of this event wrote he said that Garfield Heights has a small skate park that needs repairs and that he hopes to help the parents and kids in the city work to convince community leaders that fixing is worth the investment. I have talked about the skateboard before and I just want to talk a little bit more about it today. When that skateboard was first put in it cost in the range of \$50,000.00 to \$60,000.00 to put it in the first time. It was beautiful. It was a great skate park. Then not too many years later it was almost totally destroyed to the fact that we had to once again put to use \$45,000.00 of city monies to redo the skateboard. If you go back there and look at it now we probably need another \$20,000.00 or \$25,000.00 investment. The problem is that it's just so

hard to keep a close look on it. So many young people are there that are using it and using it well and enjoying it for what it was made to be used for but so many of our youth go over there and probably from out of the city and they just destroy it. They totally destroy it and when they knock boards down and they put holes in walls these are not little walls. You have to work to do the destruction they've done. So we would love to be able to do something with that skateboard because I know it's another outlet for the children of the city of Garfield Heights but you just can't afford to put that kind of money in with the thought that you may have to replace it in a few months.

I want to give you an idea of something that really disturbed me this week and has a lot to do with this. We started the Senior Concerts Sunday. I was really happy because last year we didn't have them and we put them on this year and we were able to do it all with sponsor money to pay for the bands and everything that it takes to put this event on. The first one was Sunday. On Friday the Service Department along with the Recreation Department went over to the gazebo to make sure it was cleaned up and ready to go for Sunday. When they got there they realized that all the lights were broken off, all the electrical outlets were pulled apart and we had to replace everything before Sunday. Fortunately we had a lot of the electrical stuff and it didn't cost us a lot. Just a few hundred dollars. But I want to tell you something that really gets me. These kids not only destroyed the gazebo. There was a 220 line that goes into the gazebo. They got the plate off and they were pulling the wires out. The wires were actually stretched out. They would have lit up. They would have all died in that area. I don't know what these people think today but they got to be thinking a little more than that. If some of them are watching this at home on TV or their parents can get a hold of them and say we want this skateboarding park to be good for you, but you got to help us too. So we're in the process of looking at something that the Chief will be getting into probably at the next meeting about putting cameras over there. We got a pretty expensive way to monitor it but it's a shame you have to do that. I just wanted to pass that along. I felt terrible that there was that much destruction and instead of having a free concert for the Seniors we had to put money into it after all, but hopefully that will correct itself with the cameras that we're going to put up.

A couple other things. Rockside Mall is now the Rockside Commons. There's going to be new signage, they're repainting; they're talking about painting it a brown and a tan. They're working on closing the agreements with new tenants coming in, they're going to repave it. Their talk was great. The enclosed part that's actually the mall part at some time down the road they want to bring those stores all out so it's nice and even. They're looking at putting a lot of dollars they believe that this is a good location for them to bring their tenants into and we are certainly happy to have them. It's going to be very shortly we're going to see a big difference over there so we're very glad for that.

Also rumor has it (I was hoping I could report something more factual, but I don't have more factual), but on a pretty good source the little plaza where Tweedy's was, we understand has been purchased by a new group. They're probably doing their due diligence and will be coming to talk to our Building Department shortly. But we're looking forward to having something brand new there. We don't know what it's going to be but right now it's almost all empty but for a couple of stores so that's going to be a great thing for the city also.

Let me say this, that Chief Sackett will be getting into this shortly but on Wednesday, September 12<sup>th</sup> we're going to have a Garfield Heights Community Forum about Drugs and Addiction. Drugs and addiction is a horrible thing that's going on not only in this city but throughout the country. There's so many things happening with the drugs. There's so many people they talk about one in every four families has a member that's involved in drugs in some way. It's getting

really bad and we want to do a little something about it. The Chief's going to get into it. We're hoping that we get a lot of participation.

The next thing I wanted to do is to take a moment to talk about the city of Cleveland and I want to commend Mayor Jackson for his achievements in economic development. We all know about the casino that came in there and the casino's doing well. If you haven't been there you have to go down to see it. It has brought life back into Cleveland. I don't care if you're there at two in the afternoon or two in the morning there's people around. You feel safe. There's a lot of security. It's bringing in a lot of money to the city of Cleveland; it could even pass out to some of the suburbs. We're certainly looking forward to that. I attended a meeting last week with the Mayors. It was a Mayors' meeting and they had a gentleman come in that's going to be the head of the convention center and the med mart. He talked about some of the things this is going to do for Cleveland and it was really great. They're looking at 1,500 new jobs in the city of Cleveland per year with the convention center and the medical mart. They're talking about \$400 million being spent in the city of Cleveland—new dollars—from this med mart and this convention center. Along with that this convention center the people that come to it when they're at their conventions and they're here for three, four, five days they will attend football games, basketball games, Indians' games, they will go out to the I-X Center to see some shows, they will go around the city of Cleveland to see some things. They will spend money. I think it's great. If you think about the problems that the city of Cleveland has with their foreclosures, some of their bad roads, empty buildings. When you think about that, but how positive this makes the city of Cleveland and I can only say thank you because I know some of that overflow will come into Garfield Heights and many other communities and I have to commend Mayor Jackson and everybody involved in the city of Cleveland for doing what they've done.

OK, next I want to get into my legislation for tonight. Ordinance 31 has just been taken out to be on the agenda tonight. It's talking about a zoning change on East 111<sup>th</sup>. I've spoken with many residents. There's some here today. They have some concerns about this and I'm hoping that they will bring those concerns forward today at the appropriate time and they will tell Council what their feelings are and Council can make an educated decision after that. Ordinance 36-2012. We want to offer competitive bids for the Wallingford East 112<sup>th</sup> Street sanitary sewer projects which cost will be reimbursed by Cuyahoga County Department of Public Works. Once again we can get some much needed sewer work done with no expense from the General Fund. Ordinance 37-2012. To revise the codified ordinance by adopting current replacement pages. Something we do every year is to put in new legislation new amendments to the legislation into the new codified ordinances. Ordinance 38. This is about resurfacing Turney Road from Sladden to Hathaway. We are putting in legislation for this agreement with the County. This is 80% paid for federally funded. Twenty percent paid for by the County. No expense to the city of Garfield Heights for the resurfacing project and that's going to be huge for Garfield Heights. Ordinance 39-2012 is the resurfacing of Granger Road. In 2013 we have been approved to have Granger Road resurfaced from Valley View border to Maple Heights border. Much over needed, long overdue. The only difference with this one, Council, is that 80% of it is funded. Twenty percent of it at this point in time the cost is supposed to come out to us as read here we have talked with ODOT, we have talked with a number of people to get our 20% paid for; to get it funded. It looks very good. We don't have it written in stone yet but understand that this would be contingent on us getting that funding from other sources. I think it's going to be a super project and I think it's going to come off and it's once again a big help for the city of Garfield Heights. Ordinance 40 is authorizing to apply for a high visibility enforcement overtime grant to the Ohio Department of Public Safety and I'm sure Ron or the Chief can get into that in their report.

Resolution 25 adopting the tax budget of the city of Garfield Heights for the fiscal year beginning January 1, 2013 and Ron will certainly get into that on his report. Resolution 26-2012 applying for grant money for the Senior services. We apply for grant money every year through Western Reserve and Noreen can talk a little bit about that. With that, Mme. Chair, you have my report.

**PRESIDENT MARINCIC:** Thank you, Mayor. Any questions for the Mayor on his report?

**CLMN SUSTER:** Mayor, you read the letter from the gas company and who would the people be getting the rebates back from? Dominion? Or would there be a federal funded program?

**MAYOR VIC COLLOVA:** I believe it's Dominion, Joe. I have a copy of the program right here. I can show it to you. I'm pretty sure it's coming right from Dominion.

**CLMN SUSTER:** OK. That's all I have.

**PRESIDENT MARINCIC:** Anyone else have any questions for the Mayor? There being none, Assistant Law Director Kevin Weiler, do you have a report?

**ASSISTANT LAW DIRECTOR KEVIN WEILER:** You know I was going to just let it pass but I did get a copy of a letter from the Clerk of Council from Senator Nina Turner and I thought I'd read it to the Council because I think it's some valuable information for the Council and for the public. The Senator writes:

"You may have heard about the recent passage of Senate Bill 193, legislation that will curb scrap metal theft in Ohio. Spurred by an overwhelming number of theft cases in which pieces of scrap metal were harvested from air conditioners, automobiles and construction sites, Senate Bill 193 will make it more difficult for thieves to sell stolen goods for cash. Among other things this bill will require scrap metal dealers to submit daily transaction reports and take photographs of scrap metal sellers, require law enforcement to provide dealers with a searchable database of convicted scrap metal offenders and increase the penalties for dealers who violate the reporting requirements. Currently theft of the scrap metal items is governed by the general offense of theft and the criminal penalty is generally based upon the value of the property stolen. Under the new law theft of a special purchase article or bulk merchandise container is a Fifth Degree Felony on the first offense and a 3<sup>rd</sup> Degree Felony for any subsequent offense. Additionally, the Bill also prohibits any person from receiving, purchasing or selling a special purchase article or a bulk merchandise container except as in accordance with the laws governing scrap metal dealers and bulk merchandise containers. Please take time to review the new law at [www.legislature.state.oh.us](http://www.legislature.state.oh.us) by searching for the 129<sup>th</sup> General Assembly Senate Bill 193. If you have problems do not hesitate to contact my office."

This is a great step toward curbing an issue that has plagued our area for too long and I think anybody who is paying attention knows that this has been a serious problem particularly in the last few years, not just for Garfield Heights, but for many communities so with that I am also going to give a copy of this to the Clerk of Council to maybe get copies for everybody here.

**PRESIDENT MARINCIC:** We already have them.

**ASSISTANT LAW DIRECTOR KEVIN WEILER:** You already have copies? All right. OK. I don't have anything else, Mme. Chair.

**PRESIDENT MARINCIC:** Any questions for our Assistant Law Director? There being none we will move on to Police Chief Sackett. Do you have a report tonight?

**CHIEF ROBERT SACKETT:** Yes, I do. Thank you. In regard to Ordinance 40, the high visibility enforcement grant, that's really an addition to a grant we've been receiving since 2001. We've received it in the past through Safe Kids Safe Communities out of University Hospital. This year we are eligible to apply for additional funding on our own so that's what this is about. It will be about \$48,000.00 worth of enforcement and it's 100% paid including the city's portion of the payroll tax. The city has to pay the guys that work it and they get reimbursed. It's my understanding that even some of the vehicle cost involved is going to be reimbursed this year so that's a win-win on that one.

The 4<sup>th</sup> of July last week, traditionally our busiest day of the year, it went off without any real problems. Naturally we had our fireworks complaints--especially between eight and midnight. We had a few extra guys working. Probably wrote about 25 fireworks violations citations, confiscated probably thousands of dollars worth of fireworks. It's somewhat amazing the money that's spent on that, but all in all it's probably about the same as last year and certainly not as many illegal fireworks going off as probably five/six years ago.

The Mayor mentioned the Community Drug Forum that we're hosting on September 12<sup>th</sup>. I just want to mention a few other things about that. Basically like he said it's not a Garfield Heights problem and it's not a problem that Garfield Heights can solve alone but the Mayor got us together and made it clear he wanted us to do something to help the citizens of Garfield Heights and this is not limited to the citizens but it's going to be directed in that way.

We came up with what we kind of consider a two-part focus on this. One is we want parents to come, we want even young kids to come, but parents of kids that if they are worried about their kids what to look for, what signs, what changes in the children's behavior that should be red flags to them. We have a treatment specialist that's going to talk a lot about that.

Our second focus was to try to get some help for people that are already addicted and their families. When a person becomes addicted and they turn 18 that doesn't change it from the family's perspective. There's people that are addicted probably well into their 40's that it's still affecting their families. So we want the addicts and the families to come and we can't solve their problems in one meeting but what we're going to try to do is gather as much information as we can and try to point them in the right direction. A lot of the problems with this drug treatment is the cost. We're in the process now of trying to locate the facilities that can offer it for a bargain or for free, perhaps, and we're going to point our residents in that direction. The Mayor's agreed to provide transportation if you can't get to this drug forum. If you call us in advance we'll arrange for transportation. If you have younger kids that you have to bring with you and you don't want them at the meeting or they are too little to be at the meeting, we'll have child care available. There's no cost to this. It's completely free and there's no registration. You don't have to sign up or sign in, so we want anybody who thinks that this could be a potential problem for them or is a problem, we want him to feel free to attend and we'll do everything we can to help you and it's going to be at the Garfield Heights High School, Wednesday, September 12<sup>th</sup>, seven to nine. I promise we'll get you out of there in two hours. It's at the Performing Arts Center. It holds 700/800 people I'm told. Let's fill it up. If you have any questions about this or you want to call for transportation, call my office directly, 475-5549. Leave a message or call back when I'm in if I don't pick up. With that you have my report.

**PRESIDENT MARINCIC:** Thank you, Chief. Any questions for our Chief? I only had one actually. I called you about this earlier today. I was looking for your opinion. I've lately been having residents call me asking me why Garfield Heights doesn't make a law stopping people from using their cell phones and driving. How do you feel about that? Do you think we could enforce it?

**CHIEF ROBERT SACKETT:** We could certainly enforce it if there's a law. Since our conversation I contacted Safe Kids Safe Communities and left a message for the lady I deal with there. I wanted to get some stats on that to see what problems specifically. We thought the State law was passed in May. There's a 90-day waiting period and then after that it can still be enforced but there's a six month grace period which means no tickets can be written. That particular law if you're under 18 you essentially can't do anything in a car; cell phone, blue tooth, texting, anything. That's a primary violation, which means we can stop you for it. The problem with the State law is if you're over 18 you can't text but we can't even stop you if we see you texting unless we have another violation. Unless there's an accident which then naturally it's a little late. It's going to be very hard to get somebody speeding and then at the same time get them texting. What I think about that specifically is that it's probably a good idea, but I think it should probably be discussed in a Safety Committee public forum.

**PRESIDENT MARINCIC:** Thank you, Chief. I'm wondering how the rest of Council feels. I'm not going to ask them at this time, but I know we have brought up this topic in the past and I'm hoping that at some point in the future if we could, if we were having a Safety Committee Meeting, Clwn Mahoney, we could add this to the agenda? OK? Any other questions for the Chief? There being none we will now move on to Service Director, Tim McLaughlin. Do you have a report tonight?

**SERVICE DIRECTOR TIM McLAUGHLIN:** Yes, I do. Thank you, Mme. President. The hot patch we've completed Wards 1, 2, 3, 4 and 5. We're about halfway through Ward 6 and hopefully in a week or so we'll get into Ward 7. Hard to get through when the vacations have started. I get two crews out on patch and we do the best we can with it. Hopefully in the next two or three weeks we'll be done and I'll be able to switch the crews over to some of the other work that's much needed at this time.

Also we had a shredding day for three hours here at the Civic Center and that was pretty good. We took in 4,000 pounds of paper that got shredded. Most of the people were happy like myself I went from eight things down to two now. It's a good program and we're going to review it to possibly do it again this year. That's all I have.

**PRESIDENT MARINCIC:** Thank you. Any questions for our Service Director?

**CLMN SUSTER:** Tim, Law Director Weiler read that letter about recyclables. Are our recyclables up or down as far as collections go?

**SERVICE DIRECTOR TIM McLAUGHLIN:** You know we do that once a year. I do have a number. Right off the top of my head I don't know what it is but every year we have to present that to the County how much we recycle, how much rubbish there is and stuff. I can get that for you. We may have had problems through the years. We had to watch out. We had somebody that went through and cut every bag that had cans in it and dumped them all over and stuff. You know things that he's talking about there's people that take parking signs and stop signs and catch basin lids. Those are a lot of money to buy. One is \$1,800.00, but we have had some problems in the past. Not so much recently but I mean something like that, you know, put some

teeth in it maybe people will think twice about taking something out like that. Recently we haven't had too much problems but I can get you the number on the recycling.

**CLMN SUSTER:** OK. Thank you.

**PRESIDENT MARINCIC:** Any other questions for our Service Director? There being none we'll move on to Recreation Director, Bob Dobies. Do you have a report this evening?

**PARKS AND RECREATION DIRECTOR BOB DOBIES:** Yes, I do. Mme. President, Council Members, good evening. With all the extremely warm weather we are experiencing we are very busy at the pool. That's a good thing. Attendance has been over 300 participants on some of these extremely warm days. I would like to remind you that we'll be doing our Christmas in July again this year, which is right around the corner, July 22<sup>nd</sup> from 1 to 7 p.m. at the pool. We'll have candy canes for the kids, a DJ with music from 1 to 4, a free raffle for bicycles donated by our Police Department again and we hear Santa will be arriving with his surf board. We have again partnered up with the U.S. Marine Corps Reserves Toys for Tots Program. A collection box is at the Recreation Center. You can drop off your new or slightly used toys at the Rec Center until July 30<sup>th</sup>.

Please don't forget we'll be having the Annual Dog Show. This year will mark the 36<sup>th</sup> year. It will be guest hosted by Cleveland's weatherman Dick Goddard and our good friend Dr. Thompson Family Pet Clinic here in Garfield. The day will be August 12<sup>th</sup> from 2 to 4 p.m. at the Rec Center.

Also during that weekend we will offer the Dog Days of Summer at the pool. Reduced admission for Saturday the 11<sup>th</sup> and Sunday the 12<sup>th</sup> will be \$2.00 a person, which is a real bargain. We'll be offering the popular free bike raffle again on behalf of the confiscated bikes the Police Department gets. Please believe me there's some good ones there. We'll also be selling raffle tickets for \$1.00 for a special gift basket donated and we're getting four Indians tickets. We'll do another raffle for that donated by Jeff Blaski of Pepsi. We will also have our DJ out there playing some oldies from 5:30 on that evening.

Just a reminder the Mayor's Concerts continue in the park this month 7/15 with the Rock Star Band and 7/22 the Jim Adams Band and 7/29 the Billy Kaye Band. The concerts are Sundays from 7 to 9 p.m. at Debelak Park.

While I've been talking about summer events just a reminder that our fall/winter programming sign ups are just around the corner. Soccer signups will begin August 1st; fall fitness classes, hockey and figure skating information will be available at the beginning of August. Any other information please call the Rec Center. That concludes my report.

**PRESIDENT MARINCIC:** Any questions for our Recreation Director? There being none we will move on to City Engineer Dave Krock. Do you have a report?

**CITY ENGINEER DAVID KROCK:** I do, thank you, Council President. I just want to report on McCracken Road. I just gave everybody an update on that. Board of Control tonight awarded a contract to Trimor Corporation. We expect within the next two or three weeks they will get started out there. The project will be completed this year so we're still on schedule. We're actually under budget still so everything's looking good. I'm happy to see it get going and there will be an upcoming meeting with the businesses in the area. I will make sure they understand

what some of the traffic limitations will be out there but it's going to be a good project. I am looking forward to getting it done. That's my report.

**PRESIDENT MARINCIC:** Thank you. Any questions for our City Engineer? There being none, Mr. Tomola, Finance Director, do you have a report?

**FINANCE DIRECTOR RON TOMOLA:** Thank you, Mme. Chairman, just a short one. I would like to encourage Council to pass Resolution 25-2012. It's the beginning of the budget process for the year 2013. This is the annual tax budget legislation. That's my report.

**PRESIDENT MARINCIC:** Any questions for our Finance Director? There being none. You're so little back there, Noreen. Economic Development Director Noreen Kuban, do you have a report?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Yes, I do. Thank you, Mme. Chairman. I'd like to just urge Council to support Resolution 26-2012. We applied for this grant funding for the Western Reserve Area Agency on Aging to pay for the cost of food for our Seniors that we prepare every day and it helps underwrite some of our costs for employees. That concludes my report.

**PRESIDENT MARINCIC:** Thank you. Any questions for our Economic Development Director? There being none we will move on to Building Commissioner Bill Wervey. Do you have a report this evening?

**BUILDING COMMISSIONER BILL WERVEY:** Good evening, Mme. President, Just a couple things. The generally good weather has kept the Overdrive and the library projects pretty much running on schedule. Although you can't see it from the outside (you are familiar with it) work continues inside Marymount Hospital as the interior portion of the surgery addition.

I hate to say this for fear of jinxing things but Lightning Demolition has taken a permit for the demolition at 7512 Bancroft. They had hoped to start today but they told me today they should have that house down this week. That's of interest of course to Clmn Nenadovich. That's all I have this evening.

**PRESIDENT MARINCIC:** Any questions for our Building Commissioner?

**CLMN VAUGHN:** Have we heard anything what the problem is why McDonald's didn't get started this past week?

**BUILDING COMMISSIONER BILL WERVEY:** I've got the drawings. I don't know. I was out this last week. The drawings have been reviewed, etc. so I don't know what else is going on.

**CLMN VAUGHN:** You don't know what the holdup is? OK. Thank you.

**PRESIDENT MARINCIC:** Any other questions for our Building Commissioner? There being none, that concludes the Reports of the Mayor and his Directors and we will move on to Comments by Citizens on tonight's agenda. I'll have the Clerk read the rules.

**COMMENTS BY CITIZENS ON TONIGHT'S AGENDA:**

**CLERK:** Comments are strictly limited to brief statements not to exceed five minutes with comments limited to the legislation on the current evening's agenda.

**PRESIDENT MARINCIC:** Thank you. Comments are limited to five minutes. No resident may speak more than once. If anybody wishes to speak, just raise their hand?

Wayne Williams, 13960 Milo Road. Got a question on Ordinance 38. Repaving Turney Road. Is there any way we could get that extended to the Maple Heights line instead of stopping at Hathaway? That leaves us with half a mile of Third World road there.

**PRESIDENT MARINCIC:** I'm going to extend the question to our City Engineer. Mr. Krock, you want to address that?

**CITY ENGINEER DAVID KROCK:** Yes, I think what the County has done right now is they're going around the County and focusing on the highest traffic areas. So they're looking at the stretch that we have there. That other part is still a County road and hopefully that will come down the road but right now that's the extent of what they're going to do.

**MR. WILLIAMS:** I certainly hope so. Thank you.

**CITY ENGINEER DAVID KROCK:** You bet.

**PRESIDENT MARINCIC:** Anyone else wishing to speak on items on the agenda, raise their hand?

Jennifer Epifano, 11026 Granger Road. Regarding the Pamela Wilkes rezoning, quite a few residents on Granger Road and East 111<sup>th</sup> are having some issues with this. We did mail a letter to everybody, I believe, it was June 19<sup>th</sup>. We were supposed to get another letter in and we did not. We wanted to get a letter in to state we love business in Garfield. We'd love to come to an agreement. We hate to see a parking lot go on the premises. That is one of our fears. One of my fears is the home next door to me burnt down. I just talked to someone who came out there from the bank and they are going to put it back up for sale. I'm afraid that if they end up knocking this down she has a chance to purchase this lot for a parking lot. That is one of my fears. I don't want a parking lot next door to my home. I've done some research which was in my one letter for Conditional Use Permit. I'm wondering if she can run this business out of her home with this permit instead of rezoning a residential lot to commercial. I'm afraid that once this is zoned residential that you're going to see this popping up all over Granger Road. I have a business. What would stop me, besides coming in front of youse, to try to get my home rezoned? We're in a lot of fear of that. We're in fear of parking on the side street. There are so many cars on 111<sup>th</sup> right now. You know we have two bus stops there so all of that was in our letter. I just wanted to talk about the Conditional Use Permit to see if youse would be interested in discussing that when you made your decision on this? OK?

**PRESIDENT MARINCIC:** Thank you. Anyone else wishing to speak?

#### **ORDINANCES AND RESOLUTIONS:**

**PRESIDENT MARINCIC:** There being none we will move on to Ordinances and Resolutions beginning with Ordinance 31-2012. If the Clerk would read the title please.

#### **ORDINANCE NO. 31-2012**

**AN EMERGENCY ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF GARFIELD HEIGHTS, KNOWN AS ORDINANCE NO. 121-1962, PROVIDING FOR THE REVISION OF THE**

**BUILDING ZONE MAP BY CHANGING THE ZONING OF CERTAIN PARCELS ENUMERATED AS FOLLOWS:**

<u>PARCEL NO.</u>	<u>OWNER OF RECORD</u>	<u>FROM</u> U-1 (SINGLE FAMILY RESIDENTIAL)	<u>TO</u> U-4 (GENERAL BUSINESS)
542-30-001	PAMELA M. WILKES		

**PRESIDENT MARINCIC:** This ordinance has already been considered by title so I would require a motion to waive. I think we need to bring in Rule 24 because it has to go on the ballot. Right, Mr. Tomola? When in doubt, do it. I need a motion to waive Rule 24 then.

Motion by SUSTER to WAIVE RULE 24:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

Motion to SUSPEND THREE READING RULE:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Suster.

VOTE ON ADOPTION:

**CLMN SUSTER:** Before I vote, I'd like to say this isn't the final decision on this. This has to go on the ballot and the people of Garfield Heights will have the final say on this in the November election. With that I vote Yes.

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

**PRESIDENT MARINCIC:** Ordinance 31-2012 stands adopted with 6 Yes votes.

**ORDINANCE NO. 36-2012**

**AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING DAVID KROCK, THE CITY ENGINEER, TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS, AND TO GO OUT FOR COMPETITIVE BIDS, PER THE ENGINEERS ESTIMATED COST PROPOSAL HEREIN ATTACHED AS EXHIBIT "A", FOR THE WALINGFORD-EAST 112<sup>TH</sup> STREET SANITARY SEWER PROJECT, AND AUTHORIZING THE PAYMENT OF COSTS FOR THIS PROJECT, WHICH COSTS WILL BE REIMBURSED THROUGH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS.**

MOVED BY SUSTER TO CONSIDER BY TITLE:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

Motion by SUSTER to WAIVE RULE 24:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

Motion to SUSPEND THREE READING RULE:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Suster.

VOTE ON ADOPTION:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

**PRESIDENT MARINCIC:** Ordinance 36-2012 stands adopted with 6 Yes votes.

**ORDINANCE NO. 37-2012**

**AN EMERGENCY ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES PURSUANT TO SECTION 17 OF THE CHARTER.**

MOVED BY NENADOVICH TO CONSIDER BY TITLE:

AYES: Nenadovich, Glenn, Suster, Mahoney, Vaughn, Marincic

ABSENT: Dudley

Motion to WAIVE RULE 24:

AYES: Nenadovich, Glenn, Suster, Mahoney, Vaughn, Marincic

ABSENT: Dudley

Motion to SUSPEND THREE READING RULE:

AYES: Nenadovich, Glenn, Suster, Mahoney, Vaughn, Marincic

ABSENT: Dudley

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Nenadovich.

VOTE ON ADOPTION:

AYES: Nenadovich, Glenn, Suster, Mahoney, Vaughn, Marincic

ABSENT: Dudley

**PRESIDENT MARINCIC:** Ordinance 37-2012 stands adopted with 6 Yes votes.

**ORDINANCE NO. 38-2012**

**AN EMERGENCY ORDINANCE ENACTED BY THE CITY OF GARFIELD HEIGHTS, CUYAHOGA COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE MUNICIPALITY, IN THE MATTER OF THE RESURFACING OF TURNEY ROAD (CR-72) FROM SLADDEN AVENUE TO HATHAWAY ROAD, DESCRIBED IMPROVEMENT REQUESTING THE COOPERATION OF THE COUNTY OF CUYAHOGA, OHIO, HEREINAFTER REFERRED TO AS THE COUNTY.**

MOVED BY VAUGHN TO CONSIDER BY TITLE:

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster, Mahoney

ABSENT: Dudley

**CLMN VAUGHN:** Mme. Chairman, I make a motion to make an amendment to this please.

**PRESIDENT MARINCIC:** And what would the amendment be please?

**CLMN VAUGHN:** Under Cooperation number 4 "The total project is being funded 80% by the Federal Funding and 20% by the County funding (as per attached letter we received)".

**PRESIDENT MARINCIC:** Will the Clerk read back the amendment please?

**CLERK:** The amendment is Under Cooperation number 4 "The total project is being funded 80% by the Federal Funding and 20% by the County funding (as per attached letter)".

**PRESIDENT MARINCIC:** Regarding the amendment all in favor say Yea? All opposed say Nay?

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster, Mahoney  
ABSENT: Dudley

Motion to WAIVE RULE 24:

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster, Mahoney  
ABSENT: Dudley

Motion to SUSPEND THREE READING RULE:

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster, Mahoney  
ABSENT: Dudley

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Vaughn.

VOTE ON ADOPTION:

**CLMN VAUGHN:** Before I vote on this, yes, Mr. Williams, the latter part of Turney Road does need to be repaved and I totally agree it's like Little Beirut over there going around those chuckholes and stuff. I hope we can find some funding and get that accomplished, but we really need to get this project going so I am going to vote Yes.

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster, Mahoney  
ABSENT: Dudley

**PRESIDENT MARINCIC:** I am thrilled to say that Ordinance 38-2012 stands adopted with 6 Yes votes. Turney Road can't be finished fast enough for me.

**ORDINANCE NO. 39-2012**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF GARFIELD HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF GRANGER ROAD.**

MOVED BY MAHONEY TO CONSIDER BY TITLE:

AYES: Mahoney, Vaughn, Marincic, Nenadovich, Glenn, Suster  
ABSENT: Dudley

**CLWN MAHONEY:** Mme. Chairman, I would like to make two amendments to this piece.

**PRESIDENT MARINCIC:** And what would they be?

**CLWN MAHONEY:** The first one would be that we add a second Whereas to read as follows: Whereas, the City is actively seeking and applying for the funding of the entire cost of this project. And for the second amendment to read, to be on the second page, under Section VI, the second Section where it currently reads "The Finance Director be and is hereby authorized and directed to issue his vouchers for the City," I'd like it right there to be the amendment "contingent upon the City's ability to acquire funding of" and that would be the amendment and to finish out that paragraph 3 "said amount to be charged to the appropriate fund for the purposes set forth in Section 1 hereof".

**PRESIDENT MARINCIC:** I'm going to have the Clerk read back the amendments please?

**CLERK:** The first amendment will be adding a second Whereas under the first one, "Whereas, the City is actively seeking and applying for the funding of the entire cost of this project". And the second amendment appears under Section VI, Section 2, "The Finance Director be and is hereby authorized and directed to issue his vouchers for the City," and we are adding the words "contingent upon the City's ability to acquire funding of" (end of addition) and "said amount to be charged to the appropriate fund for the purposes set forth in Section 1 hereof".

**PRESIDENT MARINCIC:** Thank you. Roll call on the amendments. All in favor say Yea? All opposed say Nay?

AYES: Mahoney, Vaughn, Marincic, Nenadovich, Glenn, Suster

ABSENT: Dudley

Motion to WAIVE RULE 24:

AYES: Mahoney, Vaughn, Marincic, Nenadovich, Glenn, Suster

ABSENT: Dudley

Motion to SUSPEND THREE READING RULE:

AYES: Mahoney, Vaughn, Marincic, Nenadovich, Glenn, Suster

ABSENT: Dudley

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clwn Mahoney.

VOTE ON ADOPTION:

AYES: Mahoney, Vaughn, Marincic, Nenadovich, Glenn, Suster

ABSENT: Dudley

**PRESIDENT MARINCIC:** I am pleased to say that Ordinance 39-2012 stands adopted with 6 Yes votes.

**ORDINANCE NO. 40-2012**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR A HIGH VISIBILITY ENFORCEMENT OVERTIME GRANT THROUGH THE OHIO DEPARTMENT OF PUBLIC SAFETY.**

MOVED BY MARINCIC TO CONSIDER BY TITLE:

AYES: Marincic, Nenadovich, Glenn, Suster, Mahoney, Vaughn

ABSENT: Dudley

Motion to WAIVE RULE 24:

AYES: Marincic, Nenadovich, Glenn, Suster, Mahoney, Vaughn

ABSENT: Dudley

Motion to SUSPEND THREE READING RULE:

AYES: Marincic, Nenadovich, Glenn, Suster, Mahoney, Vaughn

ABSENT: Dudley

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with me.

VOTE ON ADOPTION:

AYES: Marincic, Nenadovich, Glenn, Suster, Mahoney, Vaughn

ABSENT: Dudley

**PRESIDENT MARINCIC:** Ordinance 40-2012 stands adopted with 6 Yes votes.

**RESOLUTION NO. 25-2012**

**AN EMERGENCY RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF GARFIELD HEIGHTS, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2013, HERETO ATTACHED, AND SUBMITTING THE SAME TO THE COUNTY AUDITOR.**

MOVED BY SUSTER TO CONSIDER BY TITLE:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

Motion by SUSTER to WAIVE RULE 24:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

Motion to SUSPEND THREE READING RULE:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Suster.

VOTE ON ADOPTION:

AYES: Suster, Mahoney, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley

**PRESIDENT MARINCIC:** Resolution 25-2012 stands adopted with 6 Yes votes.

**RESOLUTION NO. 26-2012**

**A RESOLUTION AUTHORIZING THE ECONOMIC DEVELOPMENT DIRECTOR TO APPLY FOR GRANT FUNDING FOR TITLE III GRANT FUNDS THROUGH THE WESTERN RESERVE AREA AGENCY ON AGING, AND DECLARING AN EMERGENCY.**

MOVED BY NENADOVICH TO CONSIDER BY TITLE:

AYES: Nenadovich, Glenn, Suster, Mahoney, Vaughn, Marincic

ABSENT: Dudley

Motion to WAIVE RULE 24:

AYES: Nenadovich, Glenn, Suster, Mahoney, Vaughn, Marincic

ABSENT: Dudley

Motion to SUSPEND THREE READING RULE:

AYES: Nenadovich, Glenn, Suster, Mahoney, Vaughn, Marincic

ABSENT: Dudley

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Nenadovich.

VOTE ON ADOPTION:

AYES: Nenadovich, Glenn, Suster, Mahoney, Vaughn, Marincic

ABSENT: Dudley

**PRESIDENT MARINCIC:** Resolution 26-2012 stands adopted with 6 Yes votes.

**COMMENTS BY CITIZENS:**

**PRESIDENT MARINCIC:** That concludes Ordinances and Resolutions. Now we move on to Miscellaneous Comments by Citizens. I'm going to have our Clerk read the rules.

**CLERK:** Comments shall be restricted to any problem a citizen has which has previously been submitted to their City Councilperson or to the city hall department directly involved. If submission of a problem to a department or a Councilperson has been made and there is a lack of service rendered in this regard, then the problem may be presented during comments from citizens at this meeting. It is the intention of this rule that no request of a first nature be presented on the floor at this time.

**PRESIDENT MARINCIC:** Comments are limited to five minutes. No citizen shall be heard more than once. If you would like to make a comment please raise your hand. There's our librarian.

Melanie Weiss, Branch Manager of the library, 5400 Transportation Blvd. Just here to give you a quick update. Nothing has changed. We are moving as fast as can be, as Mr. Wervey said, the weather's really helping us. Every day I drive by I cannot believe how much has been done. I hope you feel the same way as I do. The other thing that I wanted to let Council know, so as to squash any rumors, I have been given an additional assignment to Garfield. I will also be managing Independence branch for a period of time. The manager is unexpectedly I was asked if I would take that on as additional branch and I agreed to do that. Just wanted to let you know so if people say Melanie's not here anymore. She's in Independence. I am here and Garfield is still my priority so I'll still be as available as I always have been. So I'm also here to answer any questions if you have any for me?

**PRESIDENT MARINCIC:** Anyone have anything?

**CLMN SUSTER:** There's no chances of us losing you, is there?

**MS. WEISS:** Not that I know of. I don't know. I haven't heard anything so I think that's a good sign.

**PRESIDENT MARINCIC:** No news is good news. Anyone else? Thank you. We appreciate the updates. Anyone else have anything they would like to address this evening? There being none. Mr. Mays. I'm sorry. You know I don't have peripheral vision, so.

David Mays, 8250 Green Drive. Mayor, on the skateboard park. I hope if the church really wants this skateboard park fixed up I think they should come up with the money because I think it's time the city of Garfield stopped putting taxpayers' money into something that the kids evidently don't care about. Thank you.

**MAYOR VIC COLLOVA:** Dave, just to respond. It wasn't the church that put that in that said that the city should put another skateboard park in. It was the emcee of that program. He probably doesn't know the history about what happened. I just wanted to get it out because it was in the paper so the residents can understand why we haven't fixed it up, you know, to add more money to it already. Thank you.

**PRESIDENT MARINCIC:** Mr. Mays, I can't let you speak from there because it's not going to be picked up by our microphone. Do you want to come back up?

**MR. MAYS:** What I said is the person that put this article in should have found out more about it before he opened his mouth. Thank you.

**PRESIDENT MARINCIC:** Anyone else wishing to speak? I'm going to scan the whole room so I don't miss anybody at this time. We will move on to Miscellaneous Business beginning with Clmn Vaughn.

**MISCELLANEOUS BUSINESS:**

**CLMN VAUGHN:** Why thank you, Nancy. The only thing I have to report on is the fact that coming up the end of the month on Friday, Saturday and Sunday July 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> will be our Annual St. Monica Carnival. This is a big community event. We ask everybody to come up, have some good food, enjoy themselves. We are going to have top notch security this year as in past years. And we will make sure that everybody is safe. So please come up and join us and enjoy your evening. With that, I have nothing else.

**PRESIDENT MARINCIC:** Clwn Mahoney?

**CLWN MAHONEY:** I have nothing. Thank you.

**PRESIDENT MARINCIC:** Clmn Suster?

**CLMN SUSTER:** I have nothing this evening. Thank you.

**PRESIDENT MARINCIC:** I just want to know if you're going to sell me the tickets and if you'll try hard to let me win the car this year?

**CLMN VAUGHN:** I'll make sure your ticket's in the barrel.

**PRESIDENT MARINCIC:** I've been buying tickets for 40 years. I really have nothing tonight. Move on to Clmn Glenn?

**CLMN GLENN:** I do have something to say. Over the last few days we got some real hot weather here in Garfield Heights. We had some outages--some major concerns about some elderly and I want to commend First Energy on their response. They got the lights back on in a couple hours. Initially they said they wouldn't be ready until six o'clock in the morning, but they got their crews out there right away to fix it in a timely fashion. That's all I have to say.

**PRESIDENT MARINCIC:** Thank you. And last but not least, Clmn Nenadovich?

**CLMN NENADOVICH:** Thank you, Mme. Chairman. As always, remember the Veterans. We've lost over 3,500 in this police action or war and I think it's about time we bring them home. With that I make a motion to adjourn.

**PRESIDENT MARINCIC:** All in favor say Yea. All opposed. The meeting stands adjourned.

AYES: Nenadovich, Glenn, Suster, Mahoney, Vaughn, Marincic

ABSENT: Dudley

**MEETING ADJOURNED AT 7:56 p.m.**

**APPROVED:**

**RESPECTFULLY SUBMITTED:**

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Nancy Marincic  
President of Council

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Barbara Molin  
Clerk of Council